

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7298**  
**BILL NUMBER: SB 215**

**NOTE PREPARED: Jan 3, 2011**  
**BILL AMENDED:**

**SUBJECT:** Forfeiture.

**FIRST AUTHOR:** Sen. Bray  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** \_\_\_**GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Pending

**Summary of Legislation:** Provides that, for purposes of the forfeiture statute, law enforcement costs shall be calculated as follows: (1) if the value of the seized property is \$3,000 or less, 85% the entire amount constitutes law enforcement costs; (2) if the value of the property is more than \$3,000 and less than \$100,000, law enforcement costs are \$3,000 plus 50% of the value of the property between \$3,000 and \$100,000, but may not exceed 85% of the value of the property; and (3) if the value of the property is \$100,000 or more, law enforcement costs constitute \$53,000 plus 20% of the amount equal to or exceeding \$100,000. Provides that 25% of law enforcement costs shall be transferred to the prosecuting attorney to defray the expenses of bringing the forfeiture action; however, this amount is capped at: (1) \$10,000 if the amount of property seized is less than \$100,000; and (2) \$20,000 if the amount of property seized is \$100,000 or more. Specifies that money or the proceeds of seized property that constitute law enforcement costs may be used only for: (1) law enforcement purposes; and (2) disbursements under an appropriation by the state or a local government unit. Permits a prosecuting attorney to retain an attorney to bring a forfeiture action only if the attorney general approves the compensation agreement between the prosecuting attorney and the retained attorney, and requires that the compensation agreement with the attorney be capped at: (1) \$10,000 if the amount of property seized is less than \$100,000; and (2) \$20,000 if the amount of property seized is \$100,000 or more. Prohibits a prosecuting attorney from retaining a prosecuting attorney or a deputy prosecuting attorney to bring a forfeiture action.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

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